

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2702**

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**Introduced by Assembly Member Chesbro**

February 19, 2010

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An act to ~~amend Section 95020 of the Government Code, and to amend Sections 4648.35, 4648.5, 4685, 4686.2, 4689, and 4689.05 of~~ *add Section 4641.5 to the Welfare and Institutions Code, relating to developmental services.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2702, as amended, Chesbro. Developmental services: planning teams.

Existing law, the California Early Intervention Services Act, provides a statewide system of coordinated, comprehensive, family-centered, multidisciplinary, and interagency programs that are responsible for providing appropriate early intervention services and support to all eligible infants and toddlers, as defined, and their families and requires an eligible infant or toddler receiving services under the act to have an individualized family service plan (IFSP). ~~The act requires these services to be provided pursuant to the existing regional center system under the Lanterman Developmental Disabilities Service Act.~~

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is responsible for providing various services and supports to individuals with developmental disabilities, and for ensuring the appropriateness and quality of those services and supports. Under existing law, the department contracts with regional centers to provide services and supports to persons with developmental disabilities. The services and

supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements.

Under existing law, development and monitoring of IFSPs and IPPs is done by planning teams, as defined, that include specified participants.

~~This bill would involve the planning team in various other aspects of the decision-making process relating to the provision of services and supports through both the California Early Intervention Services Act and the Lanterman Developmental Disabilities Services Act and would, in specified instances, make the planning team the decision making entity require a regional center to ensure, at the time of the development, scheduled review, or modification of an IFSP or IPP, that the plan is made pursuant to the relevant statute.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 4641.5 is added to the Welfare and*  
2     *Institutions Code, to read:*

3     *4641.5. (a) Notwithstanding any other provision of law, a*  
4     *regional center shall ensure, at the time of development, scheduled*  
5     *review, or modification of a consumer's individual program plan,*  
6     *that all decisions shall be made pursuant to the procedure required*  
7     *by Section 4646.*

8     *(b) Notwithstanding any other provision of law, a regional*  
9     *center shall ensure, at the time of development, scheduled review,*  
10    *or modification of a consumer's individual family support plan,*  
11    *that all decisions shall be made pursuant to the procedure required*  
12    *by Section 95020 of the Government Code.*

13    ~~SECTION 1. Section 95020 of the Government Code is~~  
14    ~~amended to read:~~

15    ~~95020. (a) An eligible infant or toddler shall have an~~  
16    ~~individualized family service plan. The individualized family~~  
17    ~~service plan shall be used in place of an individualized education~~  
18    ~~program required pursuant to Sections 4646 and 4646.5 of the~~  
19    ~~Welfare and Institutions Code, the individualized program plan~~  
20    ~~required pursuant to Section 56340 of the Education Code, or any~~  
21    ~~other applicable service plan.~~

1     ~~(b) For an infant or toddler who has been evaluated for the first~~  
2 ~~time, a meeting to share the results of the evaluation, to determine~~  
3 ~~eligibility, and, for children who are eligible, to develop the initial~~  
4 ~~individualized family service plan shall be conducted within 45~~  
5 ~~calendar days of receipt of the written referral. Evaluation results~~  
6 ~~and determination of eligibility may be shared in a meeting with~~  
7 ~~the family prior to the individualized family service plan. Written~~  
8 ~~parent consent to evaluate and assess shall be obtained within the~~  
9 ~~45-day timeline. A regional center, local educational agency, or~~  
10 ~~the designee of one of those entities shall initiate and conduct this~~  
11 ~~meeting. Families shall be afforded the opportunity to participate~~  
12 ~~in all decisions regarding eligibility and services.~~

13     ~~(c) Parents shall be fully informed of their rights, including the~~  
14 ~~right to invite another person, including a family member or an~~  
15 ~~advocate or peer parent, or any or all of them, to accompany them~~  
16 ~~to any or all individualized family service plan meetings. With~~  
17 ~~parental consent, a referral shall be made to the local family~~  
18 ~~resource center or network.~~

19     ~~(d) The individualized family service plan shall be in writing~~  
20 ~~and shall address all of the following:~~

21     ~~(1) A statement of the infant's or toddler's present levels of~~  
22 ~~physical development including vision, hearing, and health status,~~  
23 ~~cognitive development, communication development, social and~~  
24 ~~emotional development, and adaptive developments.~~

25     ~~(2) With the concurrence of the family, a statement of the~~  
26 ~~family's concerns, priorities, and resources related to meeting the~~  
27 ~~special developmental needs of the eligible infant or toddler.~~

28     ~~(3) A statement of the major outcomes expected to be achieved~~  
29 ~~for the infant or toddler and family where services for the family~~  
30 ~~are related to meeting the special developmental needs of the~~  
31 ~~eligible infant or toddler.~~

32     ~~(4) The criteria, procedures, and timelines used to determine~~  
33 ~~the degree to which progress toward achieving the outcomes is~~  
34 ~~being made and whether modifications or revisions are necessary.~~

35     ~~(5) (A) A statement of the specific early intervention services~~  
36 ~~necessary to meet the unique needs of the infant or toddler as~~  
37 ~~identified in paragraph (3), including, but not limited to, the~~  
38 ~~frequency, intensity, location, duration, and method of delivering~~  
39 ~~the services, and ways of providing services in natural generic~~  
40 ~~environments, including group training for parents on behavioral~~

1 intervention techniques in lieu of some or all of the in-home parent  
2 training component of the behavior intervention services, and  
3 purchase of neighborhood preschool services and needed qualified  
4 personnel in lieu of infant development programs.

5 (B) Effective July 1, 2009, at the time of development, review,  
6 or modification of an infant's or toddler's individualized family  
7 service plan, the planning team shall consider both of the following:

8 (i) The use of group training for parents on behavior intervention  
9 techniques, in lieu of some or all of the in-home parent training  
10 component of the behavior intervention services.

11 (ii) The purchase of neighborhood preschool services and needed  
12 qualified personnel, in lieu of infant development programs.

13 (6) A statement of the agency responsible for providing the  
14 identified services.

15 (7) The name of the service coordinator who shall be responsible  
16 for facilitating implementation of the plan and coordinating with  
17 other agencies and persons.

18 (8) The steps to be taken to ensure transition of the infant or  
19 toddler upon reaching three years of age to other appropriate  
20 services. These may include, as appropriate, special education or  
21 other services offered in natural environments.

22 (9) The projected dates for the initiation of services in paragraph  
23 (5) and the anticipated duration of those services.

24 (e) Each service identified on the individualized family service  
25 plan shall be designated as one of three types:

26 (1) An early intervention service, as defined in subsection (4)  
27 of Section 1432 of Title 20 of the United States Code, and  
28 applicable regulations, that is provided or purchased through the  
29 regional center, local educational agency, or other participating  
30 agency. The State Department of Health Care Services, State  
31 Department of Social Services, State Department of Mental Health,  
32 and State Department of Alcohol and Drug Programs shall provide  
33 services in accordance with state and federal law and applicable  
34 regulations, and up to the level of funding as appropriated by the  
35 Legislature. Early intervention services identified on an  
36 individualized family service plan that exceed the funding,  
37 statutory, and regulatory requirements of these departments shall  
38 be provided or purchased by regional centers or local educational  
39 agencies under subdivisions (b) and (c) of Section 95014. The  
40 State Department of Health Care Services, State Department of

1 ~~Social Services, State Department of Mental Health, and State~~  
2 ~~Department of Alcohol and Drug Programs shall not be required~~  
3 ~~to provide early intervention services over their existing funding,~~  
4 ~~statutory, and regulatory requirements.~~

5 (2) ~~Another service, other than those specified in paragraph (1),~~  
6 ~~which the eligible infant or toddler or his or her family may receive~~  
7 ~~from other state programs, subject to the eligibility standards of~~  
8 ~~those programs.~~

9 (3) ~~A referral to a nonrequired service that may be provided to~~  
10 ~~an eligible infant or toddler or his or her family. Nonrequired~~  
11 ~~services are those services that are not defined as early intervention~~  
12 ~~services or do not relate to meeting the special developmental~~  
13 ~~needs of an eligible infant or toddler related to the disability, but~~  
14 ~~that may be helpful to the family. The granting or denial of~~  
15 ~~nonrequired services by a public or private agency is not subject~~  
16 ~~to appeal under this title. Notwithstanding any other provision of~~  
17 ~~law or regulation to the contrary, effective July 1, 2009, with the~~  
18 ~~exception of durable medical equipment, regional centers shall not~~  
19 ~~purchase nonrequired services, but may refer a family to a~~  
20 ~~nonrequired service that may be available to an eligible infant or~~  
21 ~~toddler or his or her family.~~

22 (f) ~~An annual review, and other periodic reviews, of the~~  
23 ~~individualized family service plan for an infant or toddler and the~~  
24 ~~infant's or toddler's family shall be conducted to determine the~~  
25 ~~degree of progress that is being made in achieving the outcomes~~  
26 ~~specified in the plan and whether modification or revision of the~~  
27 ~~outcomes or services is necessary. The frequency, participants,~~  
28 ~~purpose, and required processes for annual and periodic reviews~~  
29 ~~shall be consistent with the statutes and regulations under Part C~~  
30 ~~of the federal Individuals with Disabilities Education Act (20~~  
31 ~~U.S.C. Sec. 1431 et seq.) and this title, and shall be specified in~~  
32 ~~regulations adopted pursuant to Section 95028.~~

33 ~~SEC. 2. Section 4648.35 of the Welfare and Institutions Code~~  
34 ~~is amended to read:~~

35 ~~4648.35. Effective July 1, 2009, at the time of development,~~  
36 ~~review, or modification of a consumer's individual program plan~~  
37 ~~(IPP) or individualized family service plan (IFSP), all of the~~  
38 ~~following shall apply to a regional center:~~

39 (a) ~~A regional center shall not fund private specialized~~  
40 ~~transportation services for an adult consumer who can safely access~~

1 and utilize public transportation, when that transportation is  
2 available, as determined by the planning team.

3 (b) A regional center shall fund the least expensive  
4 transportation modality that meets the consumer's needs, as  
5 determined by the planning team and set forth in the consumer's  
6 IPP or IFSP.

7 (c) A regional center shall fund transportation, when required,  
8 from the consumer's residence to the lowest-cost vendor that  
9 provides the service that meets the consumer's needs, as determined  
10 by the planning team and set forth in the consumer's IPP or IFSP.  
11 For purposes of this subdivision, the cost of a vendor shall be  
12 determined by combining the vendor's program costs and the costs  
13 to transport a consumer from the consumer's residence to the  
14 vendor.

15 (d) A regional center shall fund transportation services for a  
16 minor child living in the family residence, only if the family of  
17 the child provides sufficient written documentation to the planning  
18 team to demonstrate that the family is unable to provide  
19 transportation for the child.

20 SEC. 3. Section 4648.5 of the Welfare and Institutions Code  
21 is amended to read:

22 4648.5. (a) Notwithstanding any other provision of law or  
23 regulations to the contrary, effective July 1, 2009, a regional  
24 centers' authority to purchase the following services shall be  
25 suspended pending implementation of the Individual Choice  
26 Budget and certification by the Director of Developmental Services  
27 that the Individual Choice Budget has been implemented and will  
28 result in state budget savings sufficient to offset the costs of  
29 providing the following services:

30 (1) Camping services and associated travel expenses.

31 (2) Social recreation activities, except for those activities  
32 vendored as community-based day programs.

33 (3) Educational services for children three to 17, inclusive, years  
34 of age.

35 (4) Nonmedical therapies, including, but not limited to,  
36 specialized recreation, art, dance, and music.

37 (b) For regional center consumers receiving services described  
38 in subdivision (a) as part of their individual program plan (IPP) or  
39 individualized family service plan (IFSP), the prohibition in  
40 subdivision (a) shall take effect on August 1, 2009.

~~(e) An exemption may be granted on an individual basis in extraordinary circumstances to permit purchase of a service identified in subdivision (a) when the regional center, upon recommendation of the planning team, determines that the service is a primary or critical means for ameliorating the physical, cognitive, or psychosocial effects of the consumer's developmental disability, or the service is necessary to enable the consumer to remain in his or her home and no alternative service is available to meet the consumer's needs.~~

~~SEC. 4. Section 4685 of the Welfare and Institutions Code is amended to read:~~

~~4685. (a) Consistent with state and federal law, the Legislature finds and declares that children with developmental disabilities most often have greater opportunities for educational and social growth when they live with their families. The Legislature further finds and declares that the cost of providing necessary services and supports which enable a child with developmental disabilities to live at home is typically equal to or lower than the cost of providing out-of-home placement. The Legislature places a high priority on providing opportunities for children with developmental disabilities to live with their families, when living at home is the preferred objective in the child's individual program plan.~~

~~(b) It is the intent of the Legislature that regional centers provide or secure family support services that do all of the following:~~

~~(1) Respect and support the decisionmaking authority of the family.~~

~~(2) Be flexible and creative in meeting the unique and individual needs of families as they evolve over time.~~

~~(3) Recognize and build on family strengths, natural supports, and existing community resources.~~

~~(4) Be designed to meet the cultural preferences, values, and lifestyles of families.~~

~~(5) Focus on the entire family and promote the inclusion of children with disabilities in all aspects of school and community.~~

~~(c) In order to provide opportunities for children to live with their families, the following procedures shall be adopted:~~

~~(1) The department and regional centers shall give a very high priority to the development and expansion of services and supports designed to assist families that are caring for their children at home, when that is the preferred objective in the individual program plan.~~

~~This assistance may include, but is not limited to specialized medical and dental care, special training for parents, infant stimulation programs, respite for parents, homemaker services, camping, day care, short-term out-of-home care, child care, counseling, mental health services, behavior modification programs, special adaptive equipment such as wheelchairs, hospital beds, communication devices, and other necessary appliances and supplies, and advocacy to assist persons in securing income maintenance, educational services, and other benefits to which they are entitled.~~

~~(2) When children with developmental disabilities live with their families, the individual program plan shall include a family plan component which describes those services and supports necessary to successfully maintain the child at home. The planning team shall consider every possible way to assist families in maintaining their children at home, when living at home will be in the best interest of the child, before considering out-of-home placement alternatives. When the regional center first becomes aware that a family may consider an out-of-home placement, or is in need of additional specialized services to assist in caring for the child in the home, the regional center shall meet with the family to discuss the situation and the family's current needs, solicit from the family what supports would be necessary to maintain the child in the home, and utilize creative and innovative ways of meeting the family's needs and providing adequate supports to keep the family together, if possible.~~

~~(3) (A) To ensure that these services and supports are provided in the most cost-effective and beneficial manner, a planning team may utilize innovative service-delivery mechanisms, including, but not limited to, vouchers; alternative respite options such as foster families, vacant community facility beds, crisis child care facilities; group training for parents on behavioral intervention techniques in lieu of some or all of the in-home parent training component of the behavioral intervention services; purchase of neighborhood preschool services and needed qualified personnel in lieu of infant development programs; and alternative child care options such as supplemental support to generic child care facilities and parent child care cooperatives.~~

~~(B) Effective July 1, 2009, at the time of development, review, or modification of a child's individualized family service plan or~~



1 individual program plan, the planning team shall consider both of  
2 the following:

3 (i) ~~The use of group training for parents on behavioral~~  
4 ~~intervention techniques in lieu of some or all of the in-home parent~~  
5 ~~training component of the behavioral intervention services.~~

6 (ii) ~~The purchase of neighborhood preschool services and needed~~  
7 ~~qualified personnel in lieu of infant development programs.~~

8 (4) ~~If the parent of any child receiving services and supports~~  
9 ~~from a regional center believes that the regional center is not~~  
10 ~~offering adequate assistance to enable the family to keep the child~~  
11 ~~at home, the parent may initiate a request for fair hearing as~~  
12 ~~established in this division. A family shall not be required to start~~  
13 ~~a placement process or to commit to placing a child in order to~~  
14 ~~receive requested services.~~

15 (5) ~~Nothing in this section shall be construed to encourage the~~  
16 ~~continued residency of adult children in the home of their parents~~  
17 ~~when that residency is not in the best interests of the person.~~

18 (6) ~~When purchasing or providing a voucher for day care~~  
19 ~~services for parents who are caring for children at home, the~~  
20 ~~regional center may pay only the cost of the day care service that~~  
21 ~~exceeds the cost of providing day care services to a child without~~  
22 ~~disabilities. The regional center, upon the recommendation of the~~  
23 ~~planning team, may pay in excess of this amount when a family~~  
24 ~~can demonstrate a financial need and when doing so will enable~~  
25 ~~the child to remain in the family home.~~

26 (7) ~~A regional center, pursuant to an individual program plan~~  
27 ~~(IPP), may purchase or provide a voucher for diapers for children~~  
28 ~~three years of age or older. A regional center may purchase or~~  
29 ~~provide vouchers for diapers under three years of age when a family~~  
30 ~~can demonstrate a financial need and when doing so will enable~~  
31 ~~the child to remain in the family home.~~

32 SEC. 5. ~~Section 4686.2 of the Welfare and Institutions Code~~  
33 ~~is amended to read:~~

34 4686.2. (a) ~~Effective July 1, 2009, notwithstanding any other~~  
35 ~~provision of law or regulation to the contrary, any vendor who~~  
36 ~~provides applied behavioral analysis (ABA) services, or intensive~~  
37 ~~behavioral intervention services or both, as defined in subdivision~~  
38 ~~(d), shall:~~

39 (1) ~~Conduct a behavioral assessment of each consumer to whom~~  
40 ~~the vendor provides these services.~~

~~(2) Design an intervention plan that shall include the service type, number of hours and parent participation needed to achieve the consumer's goals and objectives, as set forth in the consumer's individual program plan (IPP) or individualized family service plan (IFSP). The intervention plan shall also set forth the frequency at which the consumer's progress shall be evaluated and reported.~~

~~(3) Provide a copy of the intervention plan to the regional center for review and consideration by the planning team members.~~

~~(b) Effective July 1, 2009, notwithstanding any other provision of law or regulation to the contrary planning teams shall:~~

~~(1) Only provide for the purchase of ABA services or intensive behavioral intervention services that reflect evidence-based practices, promote positive social behaviors, and ameliorate behaviors that interfere with learning and social interactions.~~

~~(2) Only provide for the purchase of ABA or intensive behavioral intervention services when the parent or parents of minor consumers receiving services participate in the intervention plan for the consumers, given the critical nature of parent participation to the success of the intervention plan.~~

~~(3) Not provide for the purchase of either ABA or intensive behavioral intervention services for purposes of providing respite, day care, or school services.~~

~~(4) Discontinue providing for the purchase of ABA or intensive behavioral intervention services for a consumer when the consumer's treatment goals and objectives, as described under subdivision (a), are achieved. ABA or intensive behavioral intervention services shall not be discontinued until the goals and objectives are reviewed and updated as required in paragraph (5) and shall be discontinued only if those updated treatment goals and objectives do not require ABA or intensive behavioral intervention services.~~

~~(5) For each consumer, evaluate the vendor's intervention plan and number of service hours for ABA or intensive behavioral intervention no less than every six months, consistent with evidence-based practices. If necessary, the intervention plan's treatment goals and objectives shall be updated and revised.~~

~~(6) Not provide for the reimbursement of a parent for participating in a behavioral services treatment program.~~

1 ~~(e) For consumers receiving ABA or behavioral intervention~~  
2 ~~services on July 1, 2009, as part of their IPP or IFSP, subdivision~~  
3 ~~(b) shall apply on August 1, 2009.~~

4 ~~(d) For purposes of this section the following definitions shall~~  
5 ~~apply:~~

6 ~~(1) “Applied behavioral analysis” means the design,~~  
7 ~~implementation, and evaluation of systematic instructional and~~  
8 ~~environmental modifications to promote positive social behaviors~~  
9 ~~and reduce or ameliorate behaviors which interfere with learning~~  
10 ~~and social interaction.~~

11 ~~(2) “Intensive behavioral intervention” means any form of~~  
12 ~~applied behavioral analysis that is comprehensive, designed to~~  
13 ~~address all domains of functioning, and provided in multiple~~  
14 ~~settings for no more than 40 hours per week, across all settings,~~  
15 ~~depending on the individual’s needs and progress. Interventions~~  
16 ~~can be delivered in a one-to-one ratio or small group format, as~~  
17 ~~appropriate.~~

18 ~~(3) “Evidence-based practice” means a decisionmaking process~~  
19 ~~that integrates the best available scientifically rigorous research,~~  
20 ~~clinical expertise, and individual’s characteristics. Evidence-based~~  
21 ~~practice is an approach to treatment rather than a specific treatment.~~  
22 ~~Evidence-based practice promotes the collection, interpretation,~~  
23 ~~integration, and continuous evaluation of valid, important, and~~  
24 ~~applicable individual or family-reported, clinically-observed, and~~  
25 ~~research-supported evidence. The best available evidence, matched~~  
26 ~~to consumer circumstances and preferences, is applied to ensure~~  
27 ~~the quality of clinical judgments and facilitates the most~~  
28 ~~cost-effective care.~~

29 ~~(4) “Parent participation” shall include, but shall not be limited~~  
30 ~~to, the following meanings:~~

31 ~~(A) Completion of group instruction on the basics of behavior~~  
32 ~~intervention.~~

33 ~~(B) Implementation of intervention strategies, according to the~~  
34 ~~intervention plan.~~

35 ~~(C) If needed, collection of data on behavioral strategies and~~  
36 ~~submission of that data to the provider for incorporation into~~  
37 ~~progress reports.~~

38 ~~(D) Participation in any needed clinical meetings.~~

39 ~~(E) Purchase of suggested behavior modification materials or~~  
40 ~~community involvement if a reward system is used.~~

1     ~~SEC. 6. Section 4689 of the Welfare and Institutions Code is~~  
2     ~~amended to read:~~

3     ~~4689. Consistent with state and federal law, the Legislature~~  
4     ~~places a high priority on providing opportunities for adults with~~  
5     ~~developmental disabilities, regardless of the degree of disability,~~  
6     ~~to live in homes that they own or lease with support available as~~  
7     ~~often and for as long as it is needed, when that is the preferred~~  
8     ~~objective in the individual program plan. In order to provide~~  
9     ~~opportunities for adults to live in their own homes, the following~~  
10    ~~procedures shall be adopted:~~

11    ~~(a) The department and regional centers shall ensure that~~  
12    ~~supported living arrangements adhere to the following principles:~~

13    ~~(1) Consumers shall be supported in living arrangements which~~  
14    ~~are typical of those in which persons without disabilities reside.~~

15    ~~(2) The services or supports that a consumer receives shall~~  
16    ~~change as his or her needs change without the consumer having~~  
17    ~~to move elsewhere.~~

18    ~~(3) The consumer's preference shall guide decisions concerning~~  
19    ~~where and with whom he or she lives.~~

20    ~~(4) Consumers shall have control over the environment within~~  
21    ~~their own home.~~

22    ~~(5) The purpose of furnishing services and supports to a~~  
23    ~~consumer shall be to assist that individual to exercise choice in his~~  
24    ~~or her life while building critical and durable relationships with~~  
25    ~~other individuals.~~

26    ~~(6) The services or supports shall be flexible and tailored to a~~  
27    ~~consumer's needs and preferences.~~

28    ~~(7) Services and supports are most effective when furnished~~  
29    ~~where a person lives and within the context of his or her day-to-day~~  
30    ~~activities.~~

31    ~~(8) Consumers shall not be excluded from supported living~~  
32    ~~arrangements based solely on the nature and severity of their~~  
33    ~~disabilities.~~

34    ~~(b) Regional centers may contract with agencies or individuals~~  
35    ~~to assist consumers in securing their own homes and to provide~~  
36    ~~consumers with the supports needed to live in their own homes.~~

37    ~~(c) The range of supported living services and supports available~~  
38    ~~include, but are not limited to, assessment of consumer needs;~~  
39    ~~assistance in finding, modifying and maintaining a home;~~  
40    ~~facilitating circles of support to encourage the development of~~

1 ~~unpaid and natural supports in the community; advocacy and~~  
2 ~~self-advocacy facilitation; development of employment goals;~~  
3 ~~social, behavioral, and daily living skills training and support;~~  
4 ~~development and provision of 24-hour emergency response~~  
5 ~~systems; securing and maintaining adaptive equipment and~~  
6 ~~supplies; recruiting, training, and hiring individuals to provide~~  
7 ~~personal care and other assistance, including in-home supportive~~  
8 ~~services workers, paid neighbors, and paid roommates; providing~~  
9 ~~respite and emergency relief for personal care attendants; and~~  
10 ~~facilitating community participation. Assessment of consumer~~  
11 ~~needs may begin before 18 years of age to enable the consumer to~~  
12 ~~move to his or her own home when he or she reaches 18 years of~~  
13 ~~age.~~

14 ~~(d) Regional centers shall provide information and education~~  
15 ~~to consumers and their families about supported living principles~~  
16 ~~and services.~~

17 ~~(e) Regional centers shall monitor and ensure the quality of~~  
18 ~~services and supports provided to individuals living in homes that~~  
19 ~~they own or lease. Monitoring shall take into account all of the~~  
20 ~~following:~~

21 ~~(1) Adherence to the principles set forth in this section.~~

22 ~~(2) Whether the services and supports outlined in the consumer's~~  
23 ~~individual program plan are congruent with the choices and needs~~  
24 ~~of the individual.~~

25 ~~(3) Whether services and supports described in the consumer's~~  
26 ~~individual program plan are being delivered.~~

27 ~~(4) Whether services and supports are having the desired effects.~~

28 ~~(5) Whether the consumer is satisfied with the services and~~  
29 ~~supports.~~

30 ~~(f) The planning team, established pursuant to subdivision (j)~~  
31 ~~of Section 4512, for a consumer receiving supported living services~~  
32 ~~shall confirm that all appropriate and available sources of natural~~  
33 ~~and generic supports have been utilized to the fullest extent possible~~  
34 ~~for that consumer.~~

35 ~~(g) Regional centers shall utilize the same supported living~~  
36 ~~provider for consumers who reside in the same domicile, provided~~  
37 ~~that each individual consumer's particular needs can still be met~~  
38 ~~pursuant to his or her individual program plans.~~

~~(h) Rent, mortgage, and lease payments of a supported living home and household expenses shall be the responsibility of the consumer and any roommate who resides with the consumer.~~

~~(i) A regional center shall not make rent, mortgage, or lease payments on a supported living home, or pay for household expenses of consumers receiving supported living services, except under the following circumstances:~~

~~(1) If all of the following conditions are met, a regional center may make rent, mortgage, or lease payments as follows:~~

~~(A) The planning team verifies in writing that making the rent, mortgage, or lease payments or paying for household expenses is required to meet the specific care needs unique to the individual consumer as set forth in an addendum to the consumer's individual program plan, and is required when a consumer's demonstrated medical, behavioral, or psychiatric condition presents a health and safety risk to himself or herself, or another.~~

~~(B) During the time period that a regional center is making rent, mortgage, or lease payments, or paying for household expenses, the supported living services vendor shall assist the consumer in accessing all sources of generic and natural supports consistent with the needs of the consumer.~~

~~(C) The regional center shall not make rent, mortgage, or lease payments on a supported living home or pay for household expenses for more than six months, unless the planning team finds that it is necessary to meet the individual consumer's particular needs pursuant to the consumer's individual program plan. The planning team shall review a finding of necessity on a quarterly basis and shall annually verify in an addendum to the consumer's individual program plan that the requirements set forth in subparagraph (A) continue to be met.~~

~~(2) When a regional center has been contributing to rent, mortgage, or lease payments or paying for household expenses prior to July 1, 2009, the planning team shall, at the time of development, review, or modification of a consumer's individual program plan, determine if the conditions in paragraph (1) are met. If the planning team determines that these contributions are no longer appropriate under this section, a reasonable time for transition, not to exceed six months, shall be permitted.~~

~~(j) All paid roommates and live-in support staff in supported living arrangements in which regional centers have made rent,~~

1 mortgage, or lease payments, or have paid for household expenses  
2 pursuant to subdivision (i) shall pay their share of the rent,  
3 mortgage, or lease payments or household expenses for the  
4 supported living home, subject to the requirements of Industrial  
5 Welfare Commission Order No. 15-2001 and the Housing Choice  
6 Voucher Program, as set forth in Section 1437f of Title 42 of the  
7 United States Code.

8 (k) ~~Regional centers shall ensure that the supported living~~  
9 ~~services vendors' administrative costs are necessary and reasonable,~~  
10 ~~given the particular services that they are providing and the number~~  
11 ~~of consumers to whom the vendor provides services.~~  
12 ~~Administrative costs shall be limited to allowable costs for~~  
13 ~~community-based day programs, as defined in Section 57434 of~~  
14 ~~Title 17 of the California Code of Regulations, or its successor.~~

15 (l) ~~Regional centers shall ensure that the most cost-effective of~~  
16 ~~the rate methodologies is utilized to determine the negotiated rate~~  
17 ~~for vendors of supported living services, consistent with Section~~  
18 ~~4689.8 and Title 17 of the California Code of Regulations.~~

19 (m) ~~For purposes of this section, "household expenses" means~~  
20 ~~general living expenses and includes, but is not limited to, utilities~~  
21 ~~paid and food consumed within the home.~~

22 (n) ~~A supported living services provider shall provide assistance~~  
23 ~~to a consumer who is a Medi-Cal beneficiary in applying for~~  
24 ~~in-home supportive services, as set forth in Section 12300, within~~  
25 ~~five days of the consumer moving into a supported living services~~  
26 ~~arrangement.~~

27 SEC. 7. ~~Section 4689.05 of the Welfare and Institutions Code~~  
28 ~~is amended to read:~~

29 4689.05. (a) ~~A regional center shall not purchase supportive~~  
30 ~~services, as defined in Section 12300, for a consumer who meets~~  
31 ~~the criteria to receive, but declines to apply for, in-home supportive~~  
32 ~~services (IHSS) benefits, as set forth in Section 12300, except as~~  
33 ~~set forth in subdivision (d).~~

34 (b) ~~Consistent with Section 4648, a regional center shall not~~  
35 ~~purchase supported living services for a consumer to supplant~~  
36 ~~IHSS.~~

37 (c) ~~Between the date that a consumer applies for IHSS and the~~  
38 ~~date that a consumer's application for IHSS is approved, a regional~~  
39 ~~center shall not purchase supportive services for the consumer at~~  
40 ~~a rate that exceeds the IHSS hourly rate, which includes the IHSS~~

1 provider hourly wage, the provider's hourly payroll taxes, and the  
2 hourly administrative costs, for the county in which the consumer  
3 resides.

4 (d) The planning team may waive the requirements set forth in  
5 subdivision (a) if it finds that extraordinary circumstances warrant  
6 the waiver, and that a finding is documented in an addendum to  
7 the consumer's individual program plan.

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